

Message Text

LIMITED OFFICIAL USE

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ACTION EB-08

INFO OCT-01 EUR-12 IO-13 ISO-00 AGR-01 CEA-01 CIAE-00
COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05 L-03
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15
STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 /127 W
-----000995 081753Z /45

R 081709Z AUG 78
FM AMEMBASSY LONDON
TO SECSTATE WASHDC 8922
INFO AMEMBASSY PARIS
USMISSION GENEVA

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USOECD

E.O. 11652: N/A
TAGS: ETRD, OECD, MTN, UK
SUBJECT: FOREIGN OFFICE RESPONSE ON TV PROGRAMMING
QUOTAS

REF: (A) LONDON 11613; (B) STATE 184201; (C) LONDON
11915

1. GILLIAN BROWN, AN ASSISTANT UNDER SECRETARY IN
THE FOREIGN OFFICE, HAS RESPONDED ON BEHALF OF MICHAEL
BUTLER TO OUR LETTER OF JULY 21 (REFS A AND B). THE
SUBSTANTIVE PARAGRAPHS OF HER LETTER OF AUGUST 7 READ
AS FOLLOWS:

BEGIN TEXT: I THINK THERE MAY BE A MISUNDERSTANDING
ABOUT THE CONSTITUTIONAL RELATIONSHIP BETWEEN THE GOVER
MENT AND THE INDEPENDENT BROADCASTING AUTHORITY IN
MATTERS CONCERNING THE COMPOSITION AND CONTENT OF THE
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INDEPENDENT TELEVISION SERVICE. THE GOVERNMENT'S WHITE
PAPER ON BROADCASTING (CMND 7294) CONFIRMED, AMONG THE
MAIN FEATURES OF ITS PROPOSALS FOR THE FUTURE CONSTITU
TION, STRUCTURE AND ORGANISATION OF BROADCASTING, THAT
"THE BRITISH BROADCASTING CORPORATION (BBC) AND THE
INDEPENDENT BROADCASTING AUTHORITY (ICA) WILL CONTINUE
TO BE RESPONSIBLE FOR THE BROADCASTING SERVICES THEY

NOW PROVIDE" (PARAGRAPH 2). THE WHITE PAPER ALSO COMMENTS THAT THE POWERS AND DUTIES OF THE IBA IN RELATION TO ITS BROADCAST SERVICES "WILL REMAIN SUBSTANTIALLY AS SET OUT IN THE IBA ACT 1973" (PARAGRAPH 54). THE POSITION REMAINS, THEREFORE, AS SIR BRIAN YOUNG HAS EXPLAINED IN HIS CORRESPONDENCE WITH YOU, THAT IT IS FOR THE AUTHORITY ALONE TO DETERMINE THE CONTENT OF THEIR BROADCAST SERVICES, TAKING ACCOUNT OF THEIR STATUTORY DUTY TO ENSURE THAT THE PROGRAMMES COMPLY WITH THE PROVISIONS SET OUT IN THE ACT.

AS THE GOVERNMENT ENDORSES THE EXISTING ARRANGEMENTS, YOU WILL I AM SURE UNDERSTAND THAT THE MIX OF PROGRAMMES TO BE BROADCAST IN THE INDEPENDENT TELEVISION SERVICE REMAINS A MATTER FOR THE AUTHORITY ALONE TO DECIDE AND THAT IT WOULD BE INVIDIOUS FOR THE GOVERNMENT TO SEEK TO INTERVENE ON THIS ISSUE.

WE NOTE YOUR GOVERNMENT'S VIEW THAT THE AUTHORITY HAS OBLIGATIONS UNDER THE OECD CODE OF LIBERALISATION OF CURRENT INVISIBLE OPERATIONS. BUT, AS YOU KNOW, ARTICLE 2 OF THE OECD CODE PROVIDES THAT "MEMBERS SHALL GRANT ANY AUTHORISATION REQUIRED FOR A CURRENT INVISIBLE OPERATION". NO AUTHORISATION IS IN FACT REQUIRED FOR THE DISTRIBUTION AND USE OF PRINTED FILMS FOR TELEVISION BROADCASTS. IT IS ENTIRELY WITHIN THE COMPLETED OFFICIAL USE

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TENCE OF THE IBA, IN CONSULTATION WITH THE COMPANIES CONCERNED, TO SELECT THE MATERIAL TO BE INCLUDED IN INDEPENDENT PROGRAMME TELEVISION PROGRAMME SCHEDULES. THE AUTHORITY CAN DECIDE FOR A NUMBER OF REASONS TO

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STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01
DOE-15 /127 W

-----000972 081754Z /45

R 081709Z AUG 78
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INCLUDE A GREATER OR LESSER ELEMENT OF BRITISH-MADE MATERIAL, JUST AS IT CAN DECIDE ON OTHER FACTORS IN THE COMPOSITION OF PROGRAMME SCHEDULES. THE AUTHORITY' MOTIVES ARE NOT, AS YOU IMPLY IN YOUR LETTER, PROMPTED BY TRADE CONSIDERATIONS.

WHAT I CAN OF COURSE ASSURE YOU IS THAT THERE IS NO QUESTION OF THE BRITISH GOVERNMENT WITHHOLDING ANY AUTHORISATIONS FOR THE IMPORTATION OF ANY MATERIAL WHICH THE IBA MAY WISH TO SELECT. BUT FROM WHAT I HAVE SAID IT WILL NOT COME AS A SURPRISE TO YOU TO LEARN THAT WE DO NOT ACCEPT THAT THE BRITISH GOVERNMENT IS IN BREACH OF ITS OBLIGATIONS UNDER THE CODE. END TEXT.

2. COMMENT. THE FOREIGN OFFICE'S ARGUMENT THAT "NO AUTHORIZATION IS REQUIRED FOR THE DISTRIBUTION AND USE OF PRINTED FILMS FOR TELEVISION BROADCASTS" HAS AN ALICE IN WONDERLAND RING TO IT. WE ALSO NOTE THAT LIMITED OFFICIAL USE

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THE IBA, IN TALKING WITH THE PRESS, HAS MADE NO SECRET OF ITS INTEREST IN GIVING ADDITIONAL WORK TO BRITISH PRODUCERS AND TV WORKERS, AN INTEREST WHICH SMACKS TO US OF THE "TRADE CONSIDERATIONS" THE FCO DENIES. WHILE WE HOLD NO HOPES OF REVERSING THE IBA DECISION BY PROLONGING THIS CORRESPONDENCE, IT DOES SEEM TO US THAT, ESPECIALLY IF THE U.S. INTENDS TO PURSUE THIS CASE IN THE OECD, WE SHOULD BE INSTRUCTED TO RESPOND TO THE FCO STATING THAT WE DON'T BUY ITS ARGUMENTS.

BREWSTER

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Message Attributes

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Current Classification: UNCLASSIFIED
Concepts: TEXT, DOCUMENTS, TELEVISION BROADCASTING
Control Number: n/a
Copy: SINGLE
Draft Date: 08 aug 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
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Disposition Date: 20 Mar 2014
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Litigation History:
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